



April 3, 2007

ENGROSSED SENATE BILL No. 104

DIGEST OF SB 104 (Updated March 28, 2007 3:43 pm - DI 107)

Citations Affected: IC 12-17.2.

Synopsis: Child care matters. Reestablishes the committee on child care with different membership and additional considerations for the committee's program of study. Establishes child care advisory committees to provide information and advice concerning the implementation of child care regulations to the division of family resources (division). Provides that the division may grant a temporary waiver to a child care home to serve a greater number of children than the number allowed on the license. (The introduced version of this bill was prepared by the committee on child care.)

Effective: July 1, 2007.

Lawson C, Sipes

(HOUSE SPONSORS — SUMMERS, CRAWFORD, WALORSKI)

January 8, 2007, read first time and referred to Committee on Health and Provider Services.

February 15, 2007, amended, reported favorably — Do Pass.

February 19, 2007, read second time, ordered engrossed. Engrossed.

February 20, 2007, read third time, passed. Yeas 45, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Family, Children and Human Affairs.

April 2, 2007, amended, reported — Do Pass.

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April 3, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 104

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-17.2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]:

4 **Chapter 2.5. Child Care Advisory Committees**

5 **Sec. 1. The division shall establish a child care advisory**
6 **committee for each of the following categories of child care:**

7 **(1) Child care homes.**

8 **(2) Child care centers.**

9 **Sec. 2. The purpose of each committee is to provide to the**
10 **division information, advice, and assistance concerning**
11 **implementation of child care regulations.**

12 **Sec. 3. Each committee must consist of members appointed:**

13 **(1) by the director or the director's designee; and**

14 **(2) to provide diversity in representing the types of child care**
15 **that comprise the committee's category specified in section 1**
16 **of this chapter, including size, licensure status, accreditation**
17 **status, and geographic location in Indiana.**

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1 **Sec. 4. Meetings of each committee must be held on a quarterly**
 2 **basis.**

3 **Sec. 5. The child care administrator of the division (or the child**
 4 **care administrator's designee) and other representatives of the**
 5 **division shall attend the meetings of each committee.**

6 **Sec. 6. Each committee shall annually report to the committee**
 7 **on child care established by IC 12-17.2-3.3-2 concerning the**
 8 **committee's activities during the previous year.**

9 **Sec. 7. Members of each committee serve without compensation.**
 10 **SECTION 2. IC 12-17.2-3.3 IS ADDED TO THE INDIANA CODE**
 11 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 12 **JULY 1, 2007]:**

13 **Chapter 3.3. Committee on Child Care**

14 **Sec. 1. As used in this chapter, "committee" refers to the**
 15 **committee on child care established by section 2 of this chapter.**

16 **Sec. 2. (a) The committee on child care is established.**

17 **(b) The committee consists of the following voting members:**

18 **(1) Two (2) members of the house of representatives**
 19 **appointed by the speaker of the house of representatives.**
 20 **Members appointed under this subdivision may not be**
 21 **members of the same political party.**

22 **(2) Two (2) members of the senate appointed by the president**
 23 **pro tempore of the senate. Members appointed under this**
 24 **subdivision may not be members of the same political party.**

25 **(3) The director of the division of family resources or the**
 26 **director's designee.**

27 **(4) The commissioner of the department of workforce**
 28 **development or the commissioner's designee.**

29 **(5) The secretary of commerce appointed under IC 5-28-3-4**
 30 **or the secretary's designee.**

31 **(6) The state fire marshal or the state fire marshal's designee.**

32 **(7) The state superintendent of public instruction or the**
 33 **superintendent's designee.**

34 **(8) The commissioner of the state department of health or the**
 35 **commissioner's designee.**

36 **(9) One (1) representative of a private business that employs**
 37 **less than fifty (50) employees, appointed by the president pro**
 38 **tempore of the senate.**

39 **(10) One (1) representative of a private business that employs**
 40 **more than one hundred (100) employees, appointed by the**
 41 **speaker of the house of representatives.**

42 **(11) One (1) individual who is a child care advocate and who**

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1 does not operate or administer a child care program (as
2 defined in IC 12-17.2-3.5-1.2), appointed by the president pro
3 tempore of the senate.

4 (c) The president pro tempore of the senate shall appoint a
5 member described in subsection (b)(2) as chairperson of the
6 committee in even-numbered years.

7 (d) The speaker of the house of representatives shall appoint a
8 member described in subsection (b)(1) as chairperson of the
9 committee in odd-numbered years.

10 Sec. 3. The committee shall operate under the policies governing
11 study committees adopted by the legislative council. However, the
12 committee shall meet throughout the year at the call of the
13 chairperson, except when the general assembly is in session.

14 Sec. 4. The affirmative votes of a majority of the voting
15 members appointed to the committee are required for the
16 committee to take action on any measure, including final reports.

17 Sec. 5. (a) The committee shall:

- 18 (1) study the system of child care regulation; and
- 19 (2) report and make recommendations concerning the system
20 of child care regulation to the legislative council in an
21 electronic format under IC 5-14-6 not later than October 31
22 of each year.

23 (b) The committee's recommendations under subsection (a)
24 must further the following child care regulation purposes:

- 25 (1) To provide support for families in need of reliable, high
26 quality child care.
- 27 (2) To encourage and support high quality child care
28 providers.
- 29 (3) To allow for a variety of methods of child care provision
30 and allow each family to determine the method preferred for
31 the family's children.
- 32 (4) To promote access to available and affordable child care
33 by parents.
- 34 (5) To encourage the state to access all available federal funds
35 for child care.

36 (c) The committee's program of study must include
37 consideration of the following:

- 38 (1) The effect of child care and child care regulation on
39 families.
- 40 (2) Encouragement of high quality child care.
- 41 (3) Issues related to the child care workforce, including job
42 satisfaction, compensation, and turnover.

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1 **(4) A review of child care models.**

2 **(5) Ensuring the safety of children.**

3 **(6) Any need for reorganization and refocusing of**
 4 **governmental agencies responsible for regulation of child**
 5 **care.**

6 **(7) Parental rights.**

7 SECTION 3. IC 12-17.2-5-7.5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.5. (a) The license
 9 issued to a person for the operation of a child care home under section
 10 7 of this chapter shall indicate whether the child care home is licensed
 11 as a class I child care home or a class II child care home.

12 (b) **Except as provided in subsection (d)**, a person who:

13 (1) holds a license to operate a class I child care home; and

14 (2) at any time serves a number of children greater than the
 15 number allowed under IC 12-7-2-33.7;

16 is subject to sanctions under section 33 of this chapter, a civil penalty
 17 under section 34 of this chapter, and the criminal penalty set forth in
 18 section 35 of this chapter.

19 (c) **Except as provided in subsection (d)**, a person who:

20 (1) holds a license to operate a class II child care home; and

21 (2) at any time:

22 (A) serves a number of children greater than the number
 23 allowed under IC 12-7-2-33.8; or

24 (B) fails to comply with the requirements for class II child care
 25 homes set forth in section 6.5 of this chapter;

26 is subject to sanctions under section 33 of this chapter, a civil penalty
 27 under section 34 of this chapter, and the criminal penalty set forth in
 28 section 35 of this chapter.

29 (d) **The division may grant a temporary waiver to allow a class**
 30 **I child care home or class II child care home to serve a greater**
 31 **number of children than the number allowed under IC 12-7-2-33.7**
 32 **or IC 12-7-2-33.8. If the division grants a temporary waiver under**
 33 **this subsection, the division shall explicitly state on the temporary**
 34 **waiver:**

35 (1) **when the temporary waiver expires; and**

36 (2) **the number of children that the child care home is**
 37 **temporarily permitted to serve.**

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SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 104.

LAWSON C

 COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 104, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 104 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17.2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 2.5. Child Care Advisory Committees

Sec. 1. The division shall establish a child care advisory committee for each of the following categories of child care:

(1) Child care homes.

(2) Child care centers.

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Sec. 2. The purpose of each committee is to provide to the division information, advice, and assistance concerning implementation of child care regulations.

Sec. 3. Each committee must consist of members appointed:

- (1) by the director or the director's designee; and**
- (2) to provide diversity in representing the types of child care that comprise the committee's category specified in section 1 of this chapter, including size, licensure status, accreditation status, and geographic location in Indiana.**

Sec. 4. Meetings of each committee must be held on a quarterly basis.

Sec. 5. The child care administrator of the division (or the child care administrator's designee) and other representatives of the division shall attend the meetings of each committee.

Sec. 6. Each committee shall annually report to the committee on child care established by IC 12-17.2-3.3-2 concerning the committee's activities during the previous year.

Sec. 7. Members of each committee serve without compensation."

Page 3, after line 22, begin a new paragraph and insert:

"SECTION 3. IC 12-17.2-5-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.5. (a) The license issued to a person for the operation of a child care home under section 7 of this chapter shall indicate whether the child care home is licensed as a class I child care home or a class II child care home.

(b) Except as provided in subsection (d), a person who:

- (1) holds a license to operate a class I child care home; and**
- (2) at any time serves a number of children greater than the number allowed under IC 12-7-2-33.7;**

is subject to sanctions under section 33 of this chapter, a civil penalty under section 34 of this chapter, and the criminal penalty set forth in section 35 of this chapter.

(c) Except as provided in subsection (d), a person who:

- (1) holds a license to operate a class II child care home; and**
- (2) at any time:**
 - (A) serves a number of children greater than the number allowed under IC 12-7-2-33.8; or**
 - (B) fails to comply with the requirements for class II child care homes set forth in section 6.5 of this chapter;**

is subject to sanctions under section 33 of this chapter, a civil penalty under section 34 of this chapter, and the criminal penalty set forth in section 35 of this chapter.

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(d) The division may grant a temporary waiver to allow a class I child care home or class II child care home to serve a greater number of children than the number allowed under IC 12-7-2-33.7 or IC 12-7-2-33.8. If the division grants a temporary waiver under this subsection, the division shall explicitly state on the temporary waiver:

- (1) when the temporary waiver expires; and**
- (2) the number of children that the child care home is temporarily permitted to serve."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 104 as printed February 16, 2007.)

SUMMERS, Chair

Committee Vote: yeas 7, nays 0.

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